

**BOARD OF APPEALS CASE NO. 4833**

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**BEFORE THE**

**APPLICANT: Robert Giro**

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**ZONING HEARING EXAMINER**

**REQUEST: Variance to locate a  
retaining wall within a recorded easement;  
2007 Churchill Downs Court, Forest Hill**

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**OF HARFORD COUNTY**

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**Hearing Advertised**

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**Aegis: 8/12/98 & 8/19/98**

**HEARING DATE: October 7, 1998**

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**Record: 8/14/98 & 8/21/98**

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### **ZONING HEARING EXAMINER'S DECISION**

The Applicant, Robert Giro, appeared before the Hearing Examiner requesting a variance to construct a 4 foot high retaining wall in the easement area at the rear of his property.

The subject parcel is located at 2007 Churchill Downs Court in the Third Election District. The parcel is identified as Parcel No. 21, in Grid 2-D, on Tax Map 40. The parcel contains .23 acres, more or less, all of which is zoned R2/COS.

Mr. Robert Giro appeared and testified that he is requesting a variance to construct a retaining wall within a recorded easement to the rear of his property. Mr. Giro testified that there are unique topographic conditions on the parcel and that the parcel is also located on a cul-de-sac and, therefore, has an unusual shape. The witness said that the area proposed for the retaining wall slopes sharply to the adjacent lot to the rear. The witness said that the Department of Public Works has inspected the property and determined that there will be no adverse impact if the retaining wall is located within the drainage and utility easement. The witness said he has reviewed the conditions set forth in the Staff Report and indicated that he would comply with the conditions recommended by the Staff.

No protestants appeared in opposition to the Applicant's request and the Staff Report of the Department of Planning and Zoning recommends conditional approval.

## **Case No. 4833 - Robert Giro**

The Applicant is requesting a variance to Section 267-26(C)(6) of the Harford County Code, to construct a retaining wall within a recorded easement. Section 267-26(C)(6) provides:

“Use Limitations. In addition to the other requirements of this Part 1, an accessory use shall not be permitted unless it strictly complies with the following:

- (6) No accessory use or structure, except fences, shall be located within any recorded easement area.”

The Applicant testified that the subject property is unique because it is located on a cul-de-sac and is wedge-shaped and also due to topographic conditions which exist on the parcel. The Applicant’s testimony is corroborated by the Staff Report. The Applicant said he did not feel the variance would be substantially detrimental to adjacent properties or materially impair the purpose of the Code because none of his neighbors appeared in opposition to the request.

It is the finding of the Hearing Examiner that the subject parcel is unique for the reasons stated by the Applicant in his testimony and, further, that approval of the variance will not be substantially detrimental to adjacent properties or materially impair the purpose of the Code.

The variance shall be subject to the following conditions:

1. The Applicant revise Permit No. 98100B0240 to reflect the actual location of the retaining wall.
2. If the location of the retaining wall contributes to any drainage problem in the future, it must be removed at the homeowner’s expense.

Date        NOVEMBER 5, 1998

L. A. Hinderhofer  
Zoning Hearing Examiner